THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :31646 of 1998

28th SEPTEMBER 2005

Between :

1. K.Tirupathaiah and another

..... PETITIONERS

AND

1. The State of Andhra Pradesh rep.by its Principal Secretary to Government, Irrigation & Command Area Development Department, A.P.Secretariat, Hyderabad, and another

.....RESPONDENTS

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :31646 of 1998

ORAL ORDER: (Per the Hon'ble Mrs. Justice T.Meena Kumari)

The present writ petition has been filed for a writ of Mandamus declaring the action of the respondents in not promoting the petitioners in zone-V as Deputy Executive Engineers against the existing vacancies, as arbitrary and illegal, and consequently, to

direct the respondents not to promote any persons who are juniors to the petitioners without considering the claims of the petitioners for promotion to the post of Deputy Executive Engineer in zone-V and to direct the respondents to forthwith promote the petitioners to the post of Deputy Executive Engineers against the existing vacancies in zone-V in preference to any other juniors working in zone-V.

However, the record goes to show that the petitioners preferred O.A.Nos.5512 and 5526 of 1997 before the A.P. Administrative Tribunal, Hyderabad, wherein the Tribunal granted an interim directions to the respondents to consider the case of the petitioners for promotion to the post of Deputy Executive Engineers if their juniors in zone-V have already been promoted and the if the petitioners are within the zone of consideration and are qualified to hold the said posts in any existing or future vacancies in zone-V.

However, in view of the non-compliance of the interim orders passed by the Tribunal dated 12-09-1997, the petitioners herein filed contempt cases against the respondents. But in view of the judgment of this Court holding that the Administrative Tribunal has no powers to initiate contempt proceedings against the respondents, the Tribunal could not take up the proceedings initiated against the respondents. Hence, the writ petition.

However, the learned counsel for the petitioners submitted that the OAs preferred by the petitioners were disposed of and against the final orders in those OAs a separate writ petition has been filed and pending before this Court. In that view of the matter, no further orders are necessary in this writ petition since the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as having become

infructuous. No order as to costs.

T. MEENA KUMARI, J.

P. LAKSHMANA REDDY,J.

28-09-2005

kvsn/skm